



JPM

Attorney Docket No. 1693.1018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

David GRIFFITHS

Application No.: 10/697,649

Group Art Unit: 2818

Confirmation No.: 8465

Filed: October 31, 2003

Examiner: TRAN, MAI HUONG C

For: DEEP TRENCH CAPACITOR HAVING INCREASED SURFACE AREA

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed April 26, 2005, having a shortened period for response set to expire on May 26, 2005, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicant provisionally elects Group II, method claims 1-18, 23 and 24 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group I is concerned, it is believed that claims 19-22 are so closely related to elected claims 1-18, 23 and 24 that they should remain in the same application to preserve unity of the invention and to avoid any possibility of a double patenting issue arising at some later date.

The elected claims are directed to a method of fabricating a capacitor in a semiconductor substrate, and the non-elected claims 19-22 are directed to a related integrated circuit device having a trench. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner